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8
9 Attorney for GREEN TREE LOAN SERVICING LLC and MORTGAGE ELECTRONIC
10 REGISTRATION SYSTEMS, INC.

11
12 **UNITED STATES DISTRICT COURT**
13 **WESTERN DISTRICT OF WASHINGTON (TACOMA)**

14
15 JAMES A. BIGELOW

16 Case No.: 3:14-cv-05798 BHS

17 Plaintiff,

18 vs.

19 **DECLARATION OF GREEN TREE LOAN**
20 **SERVICING LLC IN SUPPORT OF**
21 **MOTION TO DISMISS**

22
23 NORTHWEST TRUSTEE SERVICES, INC.;
24 GREEN TREE SERVICING, LLC;
25 MORTGAGE ELECTRONIC
26 REGISTRATION SYSTEMS, INC.; and
27 DOE DEFENDANTS 1-20

28 Defendants.

19 I Edward Born, declare as follows:

- 20 1. I am Assistant Vice President for GREEN TREE LOAN SERVICING LLC
21 ("GREEN TREE"). I am authorized to make this Affidavit for and on behalf of GREEN TREE.
22
23 2. GREEN TREE maintains a computer database (the "Loan Records") of acts,
24 transactions, payments, communications, escrow account activity, disbursements, events, and
25 analyses (the "Loan Transactions") with respect to the mortgage loans which GREEN TREE
26 services. The information described herein and referenced below is found in the business

27

DECLARATION IN SUPPORT OF
28 **MOTION TO DISMISS**

WFZ File No.: 229-2013426

Renee M. Parker (SBN 36995)

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1 records of said servicing agent. The entries in those records are made at the time of the events
 2 and conditions they describe either by people with first-hand knowledge of those events and
 3 conditions or from information provided by people with such first-hand knowledge. Recording
 4 such information is a regular practice of the servicing agent's or Plaintiff's regularly conducted
 5 business activities. I have access to the Loan Records with respect to the subject loan, and have
 6 knowledge of how they are maintained. Based upon my review of those records I have gained
 7 knowledge of the facts set forth herein and, if called upon as a witness to testify, I could and
 8 would competently testify as to those facts under penalty of perjury.

9 3. The Loan Records reflect that on or about April 24, 2007, Plaintiff James Bigelow
 10 ("Bigelow" herein) and spouse Carolyn Bigelow ("Borrowers" collectively) entered into an
 11 agreement with Pierce Commercial Bank for a loan in the principal amount of \$233,899.00. This
 12 loan is memorialized by an "Interest Only Fixed Rate Note" executed on the same day (the
 13 "Note") and is secured by a Deed of Trust recorded with the Thurston County Auditor on April
 14 27, 2007 as Instrument No. 3922368. True and correct copies of the Note and Deed of Trust are
 15 filed concurrently with the Motion to Dismiss as RJD Exs. 1-2.

16 4. The Loan Records reflect that Borrowers defaulted under the terms of the Note
 17 and Deed of Trust with that monthly installment payment due for November 1, 2011.

18 5. The Loan Records reflect that on or about December 1, 2011 the custodian
 19 of GREEN TREE obtained possession of the Note, endorsed in blank.

20 6. The Loan Records reflect that as of the date of execution of this document
 21 GREEN TREE, by and through its custodian, is still the actual holder of the Note and has not
 22 assigned or transferred the Note to any other person or entity.

23 7. The Loan Records reflect that Green Tree was in possession of the Note when its
 24 Notice of Default was issued on May 10, 2012 and when the Notice of Trustee's Sale was
 25 recorded on April 24, 2014.

26 DECLARATION IN SUPPORT OF
 27 MOTION TO DISMISS

WFZ File No.: 229-2013426

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8. The Loan Records reflect that the Note would have been endorsed by Pierce
Commercial Bank in or about May, 2007.

I hereby declare under the penalty of perjury under the laws of the State of Washington
that the foregoing statement is true and correct.

DATED this 9th day of December, 2014, at Tempe, AZ.

Edna Bon

Printed Name: **Edward Born**

Title: Assistant Vice President

**DECLARATION IN SUPPORT OF
MOTION TO DISMISS**

WEZ File No : 229-2013426

Renee M. Parker (SBN 36995)
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DECLARATION OF SERVICE

The undersigned declares as follows:

On December 9, 2014, I served the foregoing document: **DECLARATION OF GREEN TREE LOAN SERVICING LLC IN SUPPORT OF MOTION TO DISMISS** on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope via postage prepaid, regular first class mail and/or electronic service as follows:

SERVICE VIA U.S. MAIL:

CHAMBER COPY.

The Honorable Benjamin H. Settle
United States Courthouse
1717 Pacific Avenue, Room 3100
Tacoma, WA 98402 - 3200

ELECTRONIC SERVICE:

PLAINTIFF:

James A Bigelow
sistermoonproductions@gmail.com

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 9th day of December, 2014


Steven E. Bennett

Steven E. Bennett

**MOTION TO DISMISS BY DEFENDANTS
GREEN TREE SERVICING LLC AND MERS**

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